

An Interview with G.A. Parwez

On Islamic Authority and Rajim

By Michael O'Neill, Editor-in-Chief

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...The most controversial specific instance of misdirected "Islamisation" concerns *rajim*, the punishment of stoning to death for illicit sexual intercourse.

As part of his Islamisation program, Zia, by President's Order 3 of 1979, amended the Constitution to set up Shariat, or religious, benches in Pakistan's four provincial high courts. Designated justices were both high court judges and members of the Shariat benches until March 1981, when the functions were separated. There is now a federal Shariat court, the provincial versions having been abolished.

Six months ago the Shariat court ruled that the government's 1979 law of *rajim* – stoning to death for offences such as adultery – was not Quranic law and was therefore unIslamic. The Zia Administration is appealing that verdict on the ground that the judges, as the President told *Asiaweek*, "didn't do their homework." Zia, in short, believes that the punishment is Islamic. It is a confusion that in recent months has exercised Muslim minds from West Asia to Southeast Asia, and to get to the bottom of it, *Asiaweek's* O'Neill last week visited Parwez, 78, in his book-lined study in Lahore. This is what Chaudhri Ghulam Ahmad Parwez said:

"The first thing to know, when you call a thing Islamic, is: What is the authority for it? When we say 'This is constitutional,' there is an authority for it – the Constitution. It presupposes the existence of a constitution that forms an authority to say what is constitutional and what is not."

"There must be a common authority for all Muslims. When they call themselves Muslims it means they accept Islam, and if there is one common authority for Islam, then that must be the common authority by which all Muslims decide whether something is Islamic or not – whether it is the law of *rajim* or some other laws or rules of the state.

"Islam is not a religion. It is a code of life, a system of living. Islam is about the nation of the community: It presupposes the existence of a state.

"What is the authority? It may be the Shariat court, it may be the President of Pakistan, it may be a common man. If we define that, half the problem is solved. If there *is* one common authority, it does not matter what the Shariat court *says* is Islamic, or what *I say* is Islamic. Have you asked this question of the President?

"Thinking based on common sense is very near the Islamic laws. The authority is the Quran. It is the only authority: immutable. When one accepts that, one becomes a Muslim, and one remains a Muslim for as long as one accepts it. It is not a question of this view or that view.

“Even in secular laws, when we say something is ‘legal’ we mean ‘It is according to this or that law.’ That law must exist. It presupposes the existence of some law which is acceptable to all the parties. **So when we talk about Islam** – whether in India or Singapore or Pakistan, whether it is an ordinary Muslim or a head of state or a ‘divine mullah’ – **we must say: ‘This is the authority.’ And the only authority for being Islamic is the Quran.**

“It is a perfect authority. No addition or subtraction can be made because, according to the Quran, Allah said it is complete. Nothing against it can constitute an authority for being Islamic. **What is not there is not Islam.** The Quran says that even the Prophet had not the authority to make any change; the Prophet himself says in the Quran, ‘I am not authorized to make any changes.’

“Some people accept authorities other than the Quran. They accept the Traditions of the Prophet, which I call history. Then there is *fiqa* [jurisprudence]. Some jurists, about 1,000 years back, constituted certain laws. They are man-made laws, and the state enforced them at that time as the laws of government. They are not Quranic. **Whatever in those laws is according to the Quran we can accept as Islamic because they are according to the Quran.** If a non-Muslim state makes a law which is according to the Quran, we will say, ‘That law is according to the Quran.’ If a Muslim state makes a law which is against the Quran, we will not accept it as Islamic.

“No state in the world accepts the Quran as the final and only authority: they all accept these jurists’ laws, *fiqa*, or the Traditions attributed to the Holy Prophet – history! Yet it is possible to have an Islamic state. **The Quran is there. Unchanged, immutable, in the same form in which, according to our belief, it was revealed by God, given by the Prophet to the people. Not a single comma therein has been changed.**

“The Quran has definitely given the punishment for *zinnah* [illegal sexual intercourse]: only stripes [lashes]. It is *clearly* given. *Rajim* is not Quranic.

“When the government enforced this law of *rajim*, it did not say there was any secularism in it. It says secularism is against Islam. For everything, they say ‘It is Islamic.’

“Since the majority of people in Pakistan accept these laws [*fiqa*] as Islamic, the government says they should be accepted as Islamic. **The court has said it is not a question of majority or minority. Even if one Muslim *proves* this is against the Quran, it becomes against the Quran. Those who challenged this law in the Shariat court have proved it is against the Quran. That is why the law must be repealed.**

“A state can be called Islamic only if it acts according to the Quran. If some higher court says that laws accepted by the majority of the people in this country are Islamic laws, then does this law promulgated by the government become Islamic? **If the appeal is successful it will become the law of the land. But it will not be an Islamic law.**”

Nobody has yet been stoned to death in Pakistan, though there have been floggings aplenty, and President Zia hints that it will never come to that. But as the ageing, ailing Parwez points out, “That is strange, because *if* this is an Islamic state and these *are* Islamic laws, they must be enforced – whatever the consequences.”

... A quotation by Hazrat Ali, the Fourth Caliph, son-in-law of the Holy Prophet, it said:

An unIslamic government may last awhile, but tyranny cannot endure.